

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 238 of 1996

Between:

1. Sri P. Gowrinadham, S/oP. Venkataramana, aged about 43 years, presently working as UDC, ERO APSEB, Bobbili, Vizianagaram.

2. Sri M. Umamaheswar Rao, S/o M. Varahalu aged about 34 years, presently working as UDC, Divisional Office, APSEB, Bobbili, Vizianagaram District.

..... PETITIONER

AND

1. A.P.State Electricity Board, represnted by Director (personnel)
vidyuthsoudha, APSEB, Hyderabad.

2. The Chief Engineer (Operations)

Central Zone, APSEB, Visakhapatnam.

3. The Superintending Engineer, Operation Circle, APSEB, Vizianagaram.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction particularly one in the nature of writ of mandamus, directing the respondent to prepare a list of approved candidates as contemplated in regulation-8 of the APSEB service Regulations for the post of JAOs from the feeder category UDCs in 3rd respondent circular for the panel year 1993-94 and 1994-95 and then only fill the vacancies of JAO and further direct the respondent to promote the petitioners to the post of JAOs, since they are fully eligible and qualified, by declaring the action of the respondent in not considering the claims of the petitioners for promotions to the post of JAOs with relevant to their date of acquiring

qualifications and also with the relevance of occurrence of vacancies as illegal arbitrary, discriminatory apart from violation of Article 14,16 of the Constitution of India.

Counsel for the Petitioners:MR.C.SRINIVASA BABA

Counsel for the respondents: Mr. S. Ravindranath, S.C for APSEB

The Court made the following :

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ORDER:

Petitioners herein are the employees with the respondents, filed this Writ Petition inter alia, seeking a direction to prepare a list of approved candidates from the feeder category UDCs and for the panel year 1993-94 onwards and then only fill up the vacancies and also sought for further direction to promote them to the post of JAOs, since they are fully qualified and eligible.

This court in fact at the initial stage, granted interim directions in WPMPNo. 269 of 1996 dated 25.4.1997 to consider the case of the petitioners for promotions to the said post of Junior Accounts Officer if they are found eligible.

In the counter affidavit filed on behalf of the respondents herein, it is stated that the promotions are being affected strictly in accordance with the seniority and the case of the petitioners can be considered as and when their turn comes. It is further stated that there are no vacant posts to Junior Accounts Officer at present.

Recording the same, it is not necessary to go into the merits of the claim on either side and it would suffice in the interests of justice to direct the respondents to take into consideration the petitioners' claim for promotion in accordance with law.

Subject to the above observation, the Writ Petition is disposed of. No costs.

24.11.2004

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To

1. A.P.State Electricity Board, represnted by Director (personnel)
vidyuthsoudha, APSEB, Hyderabad.
2. The Chief Engineer (Operations)
Central Zone, APSEB, Visakhapatnam.
3. The Superintending Engineer, Operation Circle, APSEB, Vizianagaram.
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